



## Department of Energy

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### MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM:

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SUBJECT: EXCEPTED SERVICE APPOINTMENT AUTHORITIES

The purpose of this memorandum is to remind Departmental Elements of the excepted service appointing authorities that are available as important tools for headquarters and field organizations to use in recruiting and retaining high quality employees in mission critical positions. Use of these excepted service authorities can result in expediting the hiring process and providing pay flexibilities to enhance recruitment and retention of key staff in critical mission areas such as: safety and reliability of the nuclear stockpile; addressing and resolving the threat of weapons of mass destruction; nuclear non-proliferation; the energy production and distribution infrastructure; increased domestic energy production; energy conservation; emerging energy technologies; environmental cleanup and closure; and storage of spent nuclear fuel.

Following is a summary of the Department's three existing excepted service authorities:

- The excepted service appointment authority found in the Department of Energy (DOE) Organization Act, Section 621(d), is available for use to attract and retain high quality individuals that are difficult to recruit under current competitive service rules and procedures. This authority can be used to fill up to 200 scientific, engineering, professional, and administrative positions in the Department.
- The National Defense Authorization Act for 1995, and renewals, provided the Department with excepted service authority to fill up to 200 scientific, engineering, and technical positions performing activities related to the safety of the Department's defense nuclear facilities and operations.
- The National Defense Authorization Act for 2000, Section 3241, provides excepted service authority for the National Nuclear Security Administration (NNSA) to establish up to 300 scientific, engineering, and technical positions.



Although use of the excepted service is not appropriate in all circumstances, DOE Managers have considerable latitude, working with their servicing Human Resources offices, to fill positions using these authorities. A variety of key positions at Headquarters and in the field have been filled with highly qualified personnel using the flexibilities of the excepted service appointing and pay authorities. These flexibilities include the option of filling positions noncompetitively under certain circumstances, e.g., when there is an immediate urgent need to fill a mission critical position or when there has been a history of recruitment or retention difficulties. Excepted service appointments can be for an indefinite or time-limited duration. The excepted service authorities can also be useful to organizations undergoing restructuring and associated skills mix concerns. Approval for filling excepted service positions at pay levels equivalent to the Senior Executive Service (SES) must be obtained from the Executive Resources Boards of the Department of Energy or of the NNSA. The Executive Resources Boards have been very supportive in approving the use of the excepted service authorities for highly qualified, senior-level excepted service appointees in critical positions.

The attached chart provides information on the characteristics of the three excepted service authorities, including grade level equivalencies and pay framework, and further compares these authorities with Senior Executive Service and Senior Level and Scientific and Professional positions. Your servicing Human Resources office will gladly assist you in determining how best to use the excepted service authorities. In addition, the current policies covering the use of the DOE Act and the National Defense Authorization Act for 1995, and renewals, are undergoing revision. Any additional flexibilities, issues, or concerns with regard to the use of the current policies are welcome to ensure that the updated policies provide the best use of the authorities.

On a broader scale, the Department has also recently published a Human Capital Management Flexibilities Guide that provides managers and supervisors with detailed information on available personnel flexibilities, including excepted service, that can be used in day-to-day human capital management activities, especially those bearing on the recruitment and retention of high-quality staff. Each section of the Guide includes a basic description of a particular tool, e.g., recruitment bonus, retention allowance, as well as Frequently Asked Questions (FAQ's) related to how to best use such tools in a given set of circumstances or in combination with other flexibilities. Following the sections are additional web links that provide more detailed information on given subjects. The Guide can be found on-line (<http://www.hr.doe.gov/pol/hcsindex.htm>).

Use of the excepted service appointing authorities is intended to provide an important tool for headquarters and field establishments to improve workforce excellence. If you or your staff would like to explore the use of the excepted service authorities or other personnel flexibilities relative to your needs, please contact Susan McCannell (202-586-8450) or Bill Pearce (202-586-2167), Office of Human Resource Management (ME-50), or, Ray Greenberg (301-903-6802), NNSA Office of Human Resources.

Attachment

## APPOINTMENT AUTHORITY COMPARISON CHART

	SES	SL/ST	EXCEPTED SERVICE: DOE ORGANIZATION ACT (EJ)	EXCEPTED SERVICE: DEFENSE ACT (EK)	EXCEPTED SERVICE: NNSA (EN)
Types of Positions	Supervisory/Managerial/ Executive above GS-15	Non-supervisory/non-managerial above GS-15 equivalent	Positions equivalent to GS-5 to above GS-15	Positions equivalent to GS-5 to above GS-15	Positions equivalent to GS-5 to above GS-15
Position Function	Scientific/Engineering/ Technical/Administrative/ Professional	Scientific/Engineering/ Technical/Administrative/ Professional	Scientific/Engineering/ Technical/Administrative	Scientific/Engineering/ Technical related to safety at DOE Defense Nuclear facilities	NNSA: only Scientific/Engineering/ Technical
Appointment Type	Career Appointment Noncareer Appointment Limited Term Appointment (NTE 36 months) Emergency Limited Appointment (NTE 18 months)	SL - Career Appointment - Excepted Appointment ST - Career Appointment	Excepted Appointment Time Limited (NTE) Indefinite Appointment	Excepted Appointment Time Limited (NTE) Indefinite Appointment	Excepted Appointment Time Limited (NTE) Indefinite Appointment
Pay Administration <ul style="list-style-type: none"> <li>Salary Levels</li> <li>Pay Adjustment</li> </ul>	ES-1 through ES-6  Comparability increases. Performance based - once per year	120% of GS-15/1 to EX-IV  Comparability increases. Performance based - once per year	Five Pay Bands ranging from GS-5/1 to EX-IV Comparability increases. Performance based - once per year	Five Pay Bands ranging from GS-5/1 to EX-IV Comparability increases. Performance based - once per year	Five Pay Bands ranging from GS-5/1 to EX-IV Comparability increases. Performance based - once per year
Appointment Duration	Permanent (SES career) Indefinite (Noncareer SES) Temporary (Limited appointment)	Permanent (Career Appointment) Indefinite or time-limited (NTE) (Excepted Appointment)	Indefinite or time-limited (NTE) (Excepted Appointment)	Indefinite or time-limited (NTE) (Excepted Appointment)	Indefinite or time-limited (NTE) (Excepted Appointment)
Required Approvals	ERB, WH (non-career SES, Excepted Appointment), OPM, GC, & Security (for sensitive positions)	ERB, OPM, GC, & Security (for sensitive positions)	Heads of Elements for most positions. SES pay equivalent: ERB, GC, & Security (for sensitive positions)	Heads of Elements for most positions. SES pay equivalent: ERB, GC, & Security (for sensitive positions)	Deputy/Associate Administrators & Field Managers. NNSA-ERB, GC, & Security (for sensitive positions)

## APPOINTMENT AUTHORITY COMPARISON CHART

	SES	SL/ST	EXCEPTED SERVICE: DOE ORGANIZATION ACT (EJ)	EXCEPTED SERVICE: DEFENSE ACT (EK)	EXCEPTED SERVICE: NNSA (EN)
Employee Benefits (health, life, retirement, leave)	All, plus additional annual leave accrual	All, if appointment exceeds one year	All, if appointment exceeds one year	All, if appointment exceeds one year	All, if appointment exceeds one year
COI Clearance Requirement	Yes (SF-278)	Yes (SF-278)	Yes. Pay Bands III & IV (GS-13 equivalents) - SF-450, depending on occupation; Pay Band V - SF-278	Yes. Pay Bands III & IV (GS-13 equivalents) - SF-450, depending on occupation; Pay Band V - SF-278	Yes. Pay Bands III & IV (GS-13 equivalents) - SF-450, depending on occupation; Pay Band V - SF-278
Probationary Period	One year	SL - One year (career appointment). - No (excepted appointment). ST - No	One year	One year	Two years
Performance Awards/ Recognition	Yes - career only (bonus & special act)	Yes - bonus & special act	Yes - bonus & special act	Yes - bonus & special act	Yes - bonus & special act
Employment Incentives <ul style="list-style-type: none"><li>• Recruitment Bonus</li><li>• Relocation Bonus</li><li>• Retention Allowance</li></ul>	Yes	Yes	Yes	Yes	